

REMARKS

This Application has been reviewed carefully in light of the Office Action mailed March 11, 2004. Claims 1-38 were pending in the Application and stand rejected. Applicants amend Claims 1, 2, 8-11, 15-18, 22-25, 29-32, and 36-38. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. §102

The Examiner rejects Claims 1, 2, 4-12, and 14-38 under 35 U.S. §102(e) as being anticipated by U.S. Patent No. 6,263,204, which issued to Kusaki, et al. ("*Kusaki*"). To anticipate a claim, a single prior art reference must describe, either expressly or inherently, each and every element of the claim. M.P.E.P. §2131.

Consider Applicants' independent Claim 15, which, as amended, recites:

A method for routing packets comprising:
receiving selection group information, wherein the selection group information identifies a mobile unit, a first station, and a second station;
receiving a first graded packet from the first station, wherein the first graded packet encodes information received from the mobile unit and a first value generated by the first station;
receiving a second graded packet from the second station, wherein the second graded packet encodes the information and a second value generated by the second station;
determining a selection group hierarchy using the selection group information;
determining a network address for communications from the mobile unit based on the selection group hierarchy;
selecting one of the graded packets based on the first value and the second value; and
forwarding the selected one of the graded packets to the network address.

Applicants respectfully submit that *Kusaki* fails to disclose every element of this Claim.

Among other aspects of Claim 15, *Kusaki* fails to disclose "receiving selection group information, wherein the selection group information identifies a mobile unit, a first station, and a second station." *Kusaki* also fails to disclose "determining a selection group hierarchy using the selection group information." *Kusaki* also fails to disclose "determining a network address for communications from the mobile unit based on the selection group hierarchy."

Kusaki also fails to disclose "forwarding the selected one of the graded packets to the network address."

For at least these reasons, Applicants respectfully request the Examiner to reconsider the rejection of independent Claim 15. For analogous reasons, Applicants request the Examiner to reconsider the rejection of independent Claims 1, 8, 22, 29, and 36.

Claims 2, 4-7, 9-12, 14, 16-21, 23-28, 30-35, 37, and 38 depend from Claims 1, 8, 15, 22, 29, and 36. Thus, for at least the same reasons discussed above, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1, 2, 4-12, and 14-38.

In addition, many of Applicants' dependent Claims further highlight deficiencies in *Kusaki*. For example, consider Claim 16:

The method of Claim 15, wherein the selection group information identifies a plurality of candidate BTSs determined in response to a signal strength associated with a primary BTS falling below a threshold.

Also consider Claim 17:

The method of Claim 15, further comprising:
receiving an indication to discontinue use of the selection group hierarchy and to use a primary BTS, wherein the primary BTS is one of the first BTS and the second BTS selected in response to a signal strength associated with the primary BTS rising above a threshold.

Also consider Claim 18:

The method of Claim 15, further comprising:
determining a plurality of second network addresses for communications to the mobile unit based on the selection group hierarchy;
receiving an outbound packet that includes a destination indicating the mobile unit; and
forwarding copies of the outbound packet to each of the second network addresses.

Applicants respectfully submit that *Kusaki* fails to disclose every element of these Claims, as well as analogous elements in dependent Claims 9-11, 23-25, and 30-32.

Claim Rejections – 35 U.S.C. §103

The Examiner rejects Claim 3 under 35 U.S.C. §103(a) as being unpatentable over *Kusaki* in view of U.S. Patent No. 5,850,607, which issued to Muszynski ("*Muszynski*"). Claim 3 depends from Claim 1, which was shown above to be allowable over *Kusaki*. The introduction of *Muszynski* fails to provide the elements of Claim 1 not shown by *Kusaki*. Thus, for at least these reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 3.

The Examiner rejects Claims 13, 20, 27, and 34 under 35 U.S.C. §103(a) as being unpatentable over *Kusaki* in view of U.S. Publication No. 2003/0063582, which issued to Mizell et al. ("*Mizell*"). Each of these claims depends from an independent Claim shown above to be allowable over *Kusaki*. The introduction of *Mizell* fails to provide the elements of Applicants' independent claims not shown by *Kusaki*. Thus, for at least these reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 13, 20, 27, and 34.

CONCLUSION

Applicants have made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Attached herewith is a check made payable to the "Commissioner of Patents and Trademarks" in an amount of \$110.00 to satisfy the fee of 37 C.F.R. §1.17(a)(1). The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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